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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,508	10/15/2003	Peijun Jiang	2002B140/2	9030

23455 7590 10/03/2005

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EXAMINER

LU, C CAIXIA

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,508

Applicant(s)

JIANG ET AL.

Examiner

Caixia Lu

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 5-108 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities in the previous Office action:

--Throughout the working examples, in at least Examples 9-15, 48-51, 52-57, 58-60, and 61-66, the "catalyst ratio" of the two catalyst is defined by "molar percent". This is illogical since a molar percentage is not a ratio. --

Applicants have amended the "catalyst ratio" to "catalyst mix". However, such a amendment is still improper in that it is not clear what the "molar percent" represents and based on. The examiner suggests to delete the portion regarding the catalyst molar percentages since the relative amounts of catalysts used in the polymerization process are disclosed in the corresponding Tables.

Claim Rejections - 35 USC § 103

2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. (US 6,800,700) for the same rationale as set forth in the previous Office action mailed June 1, 2005.

Response to Arguments

3. Applicant's arguments filed August 31, 2005 have been fully considered but they are not persuasive.

First of all, applicants' assertion of "Sun is directed to using two otherwise unusable materials" is erroneous because Sun's patent is about how to prepare the

Art Unit: 1713

normally sticky, tenacious polyolefin which is not possible to prepare by conventional methods. Sun's sticky, tenacious polypropylenes have to be tacky.

Applicants also assert that Sun's polypropylene must be high molecular weight since it is prepared at 50 °C. It is the examiner's position that the molecular weight of polyolefin are affected by many factors in the polymerization process such as catalyst, the ratio of catalyst to cocatalyst, monomer concentration, the amount of chain transfer agent, polymerization time and temperature, etc. rather than just by the polymerization temperature. Polymerization temperature of 50 °C does not guarantee high molecular weight. As a matter of fact, the type of catalyst and the catalyst/cocatalyst ratio have more propound influences on the molecular weight. Contrary to applicants' assertion, Sun's polypropylene must have low molecular due to the fact that Sun's polypropylenes are sticky. A high molecular weight amorphous polypropylene is a non-sticky transparent material. As indicated in the previous rejections, the burden is on the applicants to prove that the polypropylenes of Sun's working examples have molecular weight above the range of the instant claims. Since Sun's polypropylene are amorphous and expected to have molecular weight in the range of the instant claims, Sun's polypropylene are expected to be substantially identical to the olefin polymer of the instant claims and thus to have strength similar in the range of the instant claims.

In view of the foregoing, the instant claims are still deemed to be proper and thus maintained.

Art Unit: 1713

Conclusion


4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful and the matter is urgent, the examiner's supervisor, David Wu, can be reached at (571) 272-1114. The fax numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.


Caixia Lu, Ph. D.
Primary Examiner
September 28, 2005